IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REV. APPLICATION NO.17 OF 2006

Sanjiv Pandurang Kulkarni .. Applicant

Versus

Pallavi Sanjiv Kulkarni & Ors. .. Respondents

Mr.Dilip Bodke for applicant

Mr.R.Y.Mirza, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th November 2006.

P.C.

. Heard Mr.Bodke for applicant husband.

2. With the assistance of Mr.Bodke, I have perused the order passed by the learned

Magistrate and First Ad-hoc Additional Sessions and Dist.Judge in Revision Application No.53 of 2001.

3. Applicant wife was aggrieved by the order of J.M.F.C. dismissing her application under section 125 of Cr.P.C.

4. The Revision Application preferred by her on behalf of herself and as guardian of minors, has rightly been allowed by the learned Additional Sessions Judge. He has perused the materials and has arrived at a conclusion that J.M.F.C. erred in ignoring the fact that the applicant husband before me refused and neglected to maintain the wife and children. Upon perusal of the record, learned Judge has arrived at a further conclusion that there is no substance in his grievance that the wife stayed away from him without sufficient and reasonable cause. Husband’s petition for restitution of conjugal

rights has been dismissed. Husband had been neglecting to maintain the children as well. Absolutely vague allegations have been made against her by the husband. He has even gone to the extent of alleging that she is having illicit relations with somebody. All such allegations being unsubstantiated and unfounded, Revisional Court was in no error in granting the application and awarding maintainance. Even the quantum is reasonable.

5. This is not a fit case for interference in Revisional Jurisdiction of this Court as it is impermissible for me to re-appreciate and re-appraise the materials. Application is dismissed.

(S.C.Dharmadhikari, J)